REMARKS

Status of the Claims

- Claims 1-32 are pending in the Application after entry of this amendment.
- Claims 1-32 stand rejected.
- Claims 1, 6, 12, 17, 23 and 27 are currently amended by Applicants.

Amendment After Final

Entry of this Amendment is respectfully requested on the ground that this Amendment places the application in condition for allowance. Alternatively, entry of this Amendment is respectfully requested on the ground that this amendment places the claims in better form and condition for appeal.

Examiner's Interview

Applicants thank the Examiner for the interview after final rejection held on June 9, 2004. During that interview, the differences between Kurtzman II et al. and the present invention were discussed. The Examiner agreed that the invention of the present Application appeared different that of Kurtzman II. A further discussion centered on Claim 1 element (b) as an element that appeared unclear as currently recited. The Examiner agreed that a clarifying amendment may advance the merits of the claims. Applicants have amended claims in this response for clarification purposes.

Claim Rejections Pursuant to 35 U.S.C. §102

Claims 1-5, 12-16 and 23-26 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Pat No. 6,144,944 to Kurtzman II et al.

Applicants traverse this rejection by amending Claims 1, 12 and 23 to recite the step of:

selecting display items from a pool of all candidate sets of display items, in a manner that equalizes a probability that display items of one source are selected in relation to display items of another source.

Applicants submit that this clarified step is not disclosed in Kurtzman II et al. Claims 2-5, 13-16 and 24-26 are dependent on amended Claims 1, 12 and 23 respectively. Applicants submit that since the above recited element is not found in Kurtzman II et al., then independent Claims 1, 12 and 23 and their respective dependent claims patentably define over the cited art.

Reconsideration and withdrawal of the 35 U.S.C. §102(e) rejection of Claims 1-5, 12-16, and 24-26 is therefore respectfully requested.

Claim Rejections Pursuant to 35 U.S.C. §103

Claims 6-11, 17-22 and 27-32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat No. 6,144,944 to Kurtzman II et al. in view of U.S. Patent No. 6,654,725 to Langheinrich et al.

As discussed above, Kurtzman II et al. does not disclose selecting display items from a pool of all candidate sets of display items in a manner that equalizes a probability that a display item of one source is not selected over a display item of another source. Langheinrich et al. does not cure the deficiency of Kurtzman II et al.

Langheinrich et al. teaches in col. 8, lines 4-9 that " ...in every case the system has to be able to chose one and only one of the available advertisements in a relevancy computation module 2002, the system chooses a random advertisement according to the given probabilities (weight)2005." Thus, Langheinrich et al. can choose only one advertisement according to probabilities. The present invention, as recited in independent claims 1, 12, and 23, does not introduce weighting to produce a probabilistic preference in the selection of a display item. Rather, the present invention does the opposite; it *equalizes* a probability that display items of one source are selected in relation to display items of another source. The equalization feature of the present invention, if used in the system of Langheinrich et al., may render it useless. Thus, Langheinrich et al. does not cure the deficiency of Kurtzman II et al.

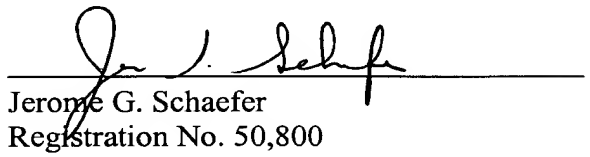
For the above reasons, Applicants respectfully submit that neither Kurtzman II et al. nor Langheinrich et al., either alone or in combination, teach or suggest the above-mentioned equalization feature of Claims 1, 12 and 23 upon which Claims 6-11, 17-22 and 27-32 depend. Indeed, Langheinrich et al. teaches away from the present invention as claimed.

Accordingly, reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection of Claims 6-11, 17-22, and 27-32 is respectfully requested.

Conclusion

In view of the above remarks, Applicants respectfully submit that the present application patentably defines over the cited art. Reconsideration, withdrawal of the rejections and advancement towards a Notice of Allowance are respectfully requested.

Date: July 6, 2004



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